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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/452,927	12/02/1999	DAVID SEAGER RENSHAW	UK999029	1912

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EXAMINER

KENDALL, CHUCK O

ART UNIT	PAPER NUMBER
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2122

DATE MAILED: 08/28/2003

13

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/452,927

Applicant(s)

RENSHAW, DAVID SEAGER

Examiner

Chuck O Kendall

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 05 June 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☐ Claim(s) \_\_\_\_\_ is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15, 18-32 and 35 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

DETAILED ACTION

1. This action is in response to the application filed 06/05/03  
Claims 1-15,18-32, and 35 have been examined.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-4,7,18-21,24 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tabloski jr. et al. USPN 5,999,729 (hereinafter) Tabloski in view of Kerr et al. USPN 6,105,119 (hereinafter) Kerr.

Regarding claim 1, Tabloski discloses creating a data file using a programming development environment on a computer system (abstract), comprising the steps of building a program to represent data file [13:62-67], compiling into a software executable [20:30-35], and running the executable to generate the data file [20:30-35]. Tabloski doesn't explicitly disclose wherein the data file is for interpretation by a third party computer system and the third party computer system comprises a dialogue management system for a computer telephony system. However, Kerr does disclose use of data files (header files) in third party systems and vendors in a dialogue system (21:40-55, see header, file is the Direct DSP API). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Tabloski and Kerr, because the data file (header file) guarantees Host the system (third

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party and/or vendor) will use the common data structure, so that calls to the Direct DSP API do not introduce new overhead or represent any call overhead to the host OS.

Regarding claim 2 according to claim 1, whereby the program is built by linking a plurality of development components [3:42-47].

Regarding claim 3 according to claim 2, whereby at least one component comprises characteristic data file information [14:30-35].

Regarding claim 4 according to claim 3 whereby, on running the executable, at least one compiled component outputs its respective data file information into the data file [14:30-40].

Regarding claim 7 according to claim 2 wherein at least one development component comprises a graphical icon for a visual development graphical user interface [Tabloski, fig 2 30].

Regarding 18 see reasoning in 1.

Regarding 19 see reasoning in 2.

Regarding 20 see reasoning in 3.

Regarding 21 see reasoning in 4.

Regarding 24 see reasoning in 7.

Regarding 35 see reasoning in 1.

4. Claims 5,6, 8-13, 22,23, & 25-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tabloski jr. et al. USPN 5,999,729 (hereinafter) Tabloski in view of Kerr et al. USPN 6,105,119 as applied in claim 4, and in further view of Iyengar et al. USPN 6,018,627 (hereinafter) Iyengar.

Regarding claim 5 Tabloski as modified by Kerr discloses all the claimed limitations as applied in claim 4. Neither Tabloski nor Kerr explicitly disclose running the executable, at least one compiled component creates a file output stream and writes its respective data file information to the output stream. However, Iyengar does disclose

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this feature, (abstract, see putting and taking output data from repository). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Tabloski as modified with Kerr with Iyengar to implement the instant claimed invention because, data streaming is a general practice during program executing and allows data requirements to be instrumented into a program which makes running the program more efficient.

Regarding claim 6 according to claim 4 whereby, on running the executable, at least one compiled component causes another component to output its respective data file information into the data file [Tabloski, fig 3].

Regarding claim 8 according to claim 2 wherein the development components are Java beans [Iyengar et al, 12:8].

Regarding claim 9 according to claim 2 wherein the development components comprise a main component and a sub-component [Tabloski, 13:65-14:10, see icon and dialogue box, fig 3 and fig 4].

Regarding claim 10, method of claim 8 where main development components represents a form [Tabloski, fig3].

Regarding claim 11 according to claim 10 wherein the sub-component represents a text field on the form [Tabloski, fig 4].

Regarding claim 12 according to claim 2 whereby the program is compiled by generating an executable component from each development component and linking the executable components together [6:18-23].

Regarding claim 13 according to claim 12 whereby, on running a first executable component, data file information from the first executable is output before running the next and subsequent executable components [Tabloski, 13:65-14:10, see icon and dialogue box, fig 3 and fig 4].

Regarding 22 see reasoning in 5.

Regarding 23 see reasoning in 6.  
Regarding 25 see reasoning in 8.  
Regarding 26 see reasoning in 9.  
Regarding 27 see reasoning in 10.  
Regarding 28 see reasoning in 11.  
Regarding 29 see reasoning in 12.  
Regarding 30 see reasoning in 13.

5. Claims 14,15,31,32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tabloski jr. et al. USPN 5,999,729 in view of Kerr et al. USPN 6,105,119 as applied in claims 1 and 18 and further in view of Davidson 6,083,276.

Tabloski as modified with Kerr discloses all the claimed limitations as applied in claim 1 above. Neither Tabloski nor Kerr discloses data file comprising mark-up information. However, Davidson does disclose data file comprising mark-up information [4: 50-52]. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Tabloski with Davidson to implement the claimed invention because, mark up information has the flexibility and simplicity of to provide the syntactic framework for configuring component based applications [Davidson 4: 13-15].

Regarding claim 15 according to claim 14, wherein the mark-up information comprises XML [Davidson, 4: 50-52].

Regarding 31 see reasoning in 14.  
Regarding 32 see reasoning in 15.

#### Correspondence Information

6. Any inquires concerning this communication or earlier communications from the examiner should be directed to Chuck O. Kendall who may be reached via telephone at (703) 308-6608. The

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examiner can normally be reached Monday through Friday  
between 8:00 A.M. and 5:00 P.M. est.

If attempts to reach the examiner by telephone are unsuccessful, the  
examiner's supervisor, *Tuan Dam* can be reached at (703) 305-4552.

Any inquiry of a general nature or relating to the status of this  
application or proceeding should be directed to the Group receptionist  
whose telephone number is (703) 305-3900.

*For facsimile (fax) send to 703-7467239 official and 703-7467240  
draft*

*Chuck O. Kendall*

*Software Engineer Patent Examiner*



**TUAN Q. DAM  
PRIMARY EXAMINER**